

Summary

The topic of my diploma thesis is "Prevention of damage". The introduction of the thesis examines prevention of damage in general, main principles and history of prevention in civil law. It is followed by a comparison between the ways this issue is treated in the previous Act No. 40/1964 Sb., the Civil Code, and the current Act No. 89/2012 Sb., the Civil Code. The main part of my thesis is subsequently focused on the ways prevention of damage is treated in Act No. 89/2012 Sb., the Civil Code.

The thesis is divided into two parts. The first part contains an introduction to the prevention of damage, it looks into the theoretical definition of terms, selected principles of prevention of damage (which originate from Roman law) and then an outline of historical development of the prevention of damage in the civil codes in the territory of the Czech and Czechoslovak Republic. The second part analyses prevention of damage in Act No. 89/2012 Sb., the Civil Code. This part contains six chapters, which follow the structure set out in Act No. 89/2012 Sb., the Civil Code.

The first chapter summarises the theoretical view on prevention, the second chapter describes historical development of the prevention of damage. The second part of the thesis is mainly focused on section about General prevention duty, firstly compared to the section about General prevention duty in previous Act No. 40/1964 Sb., the Civil Code, followed by an analysis of underlying theoretical issues. The subsequent chapter deals with provisions about averting damage, where the most important section is apparently Duty to intervene to protect another in section 2901. The next chapter contains the new provision about Accident and its effect on jurisdiction. The penultimate chapter contains Exemption from liability for damage, therefore section about Self-defense, Necessity and Justifiable excitement of mind. The thesis concludes with Compensation of reasonably incurred costs, which is the last section regarding Prevention of damage in Act No. 89/2012 Sb., the Civil Code. In conclusion I evaluated main issues regarding each chapter and the benefit of prevention of damage in current law.

Due to the limited scope of the thesis it was impossible to cover the topic in a more comprehensive manner, therefore the aim of the thesis is to systematically analyse only some issues involving prevention of damage especially current issues regarding prevention of damage within Act No. 89/2012 Sb., the Civil Code.